MINUTES ALABAMA REAL ESTATE APPRAISERS BOARD RSA UNION STREET SUITE 370 MONTGOMERY, ALABAMA FEBRUARY 4, 2005

MEMBERS PRESENT:

Mr. Mandell Tillman

Mr. Clifford Odom

Mr. James Davis

Mr. Leston Stallworth

Mr. Steve Martin

Mrs. Myra Pruit

Mr. Jon B. Blissitte (arriving at 8:25 a.m.)

Mr. Otis Stewart, Jr. (arriving at 8:16 a.m.)

MEMBERS ABSENT:

Mr. Wider Cheney

OTHERS PRESENT:

Mr. J.W. Holland, Jr.

Mrs. Lisa Brooks

Ms. Neva Conway

Mr. Randy Robertson

Mr. D.J. Dixon

GUESTS:

Mr. Thomas E. Garrett

Mr. Joe E. Wright

Ms. Ellen Leonard – Attorney General's Office

- 1.0 With quorum present Mr. Tillman, Chairman called the meeting to order at 8:02 a.m. The meeting was held at the RSA Union Building, 100 N. Union Street, 3rd Floor Conference Room, Montgomery, Alabama.
- 1.1 The meeting was opened with prayer by Mr. Davis and then the Pledge of Allegiance.
- 2.0 Members present were Mr. Mandell Tillman, Mr. James Davis, Mr. Clifford Odom, Mr. Leston Stallworth, Mr. Steve Martin, Mr. Jon B. Blissitte, Mr. Otis Stewart, Jr. and Mrs. Myra Pruit.

Mr. Tillman welcomed the guests and asked the Board members to introduce themselves.

- 3.0 On motion by Mrs. Pruit and second by Mr. Stallworth the regular minutes for December 9-10, 2004 were approved as written. Motion carried by unanimous vote.
- The Board reviewed a request from Ms. Karen Burke for a time extension to take a continuing education class in connection with disciplinary action. On motion by Mrs. Pruit and second by Mr. Stallworth the Board voted to approve a 90-day extension. With Mr. Martin abstaining motion carried.

The Board reviewed a request from Mr. Silas Williams for a time extension to take education and pay a disciplinary fine in connection with disciplinary action. On motion by Mr. Stallworth and second by Mrs. Pruit the Board voted to approve a 60-day extension. Motion carried by unanimous vote.

The Board reviewed a letter from Ms. Judith Haney regarding Board employees' participation in AARO conferences. The Board asked Ms. Conway to seek an Attorney Generals opinion on this matter.

Ms. Conway discussed with the Board a complaint filed again Ms. Woni Nelson from Ms. Judith Haney regarding what she characterized as RICO violations. The Board took no action.

- 4.0 Ms. Conway included for Board review a copy of Statute amendments that will be presented to the Legislature. The amendments would be to Section 4 and Section 19. The Board approved these amendments. Ms. Conway also discussed with the Board adding language from the course approval section of the Statute (§34-27A-19(a)). The Board did not feel those changes should be made to other sections of the Statute.
- 5.0 On motion by Mr. Davis and second by Mr. Blissitte the following applications were voted on as listed. Motion carried by unanimous vote.
- 5.1 <u>Trainee Real Property Appraiser</u> applications approved: Scott D. Abercrombie, Joel C. Baxley, Lee G. Bissinger, Farrow W. Burks, Cassandra B. Chandler, Charles Coppage, Clinton E. Flowers, Amy M. Henry, Douglas G. Hicks, Haney R. Jones, Jr., Sandra D. Jonio, Rachel King, Randall L. Kyles, Terry P. Little, Ami S. McKinney, Thomas M. Monk, Bobby G. Tate, Damon R. Towery,

Monroe Turner, Wayne P. Turner (Recip.)(GA), Reginald E. Ware, Jordan I. Wilder. **Applications deferred:** NONE. **Applications denied:** Kimberly Carson (Felony), motion by Mr. Martin and second by Mr. Stallworth, motion carried by unanimous vote. David A. Farmer (Felony), motion by Mr. Odom and second by Mrs. Pruit, motion carried by unanimous vote.

- 5.2 <u>State Registered Real Property Appraiser</u> applications approved: Lisa A. Talmo. Applications deferred: Lori Daniel. Applications denied: NONE.
- Licensed Real Property Appraiser applications approved: Jerry L. Bell (Recip.)(GA), Charles G. Blackwell (Recip.)(GA), Elvin Cook, Brian Curry, John C. Johnson, Larry J. Keel, Jr., Brien R. McWilliams (Recip.)(MS), Linn F. Richards. Applications deferred: Robin S. Bedwell, Gina H. Stokes, Barry S. Willingham. Application denied: Darrell L. Willeford.
- 5.4 <u>Certified Residential Real Property Appraiser</u> applications approved: Stephen J. Achee (Recip.)(CO), Jeremy R. Bearden, Marilyn Y. Hill, Deena P. Pennington, Bradley R. Pullum, Renee D. Salter (Recip.)(GA), Steven D. Wingard. Applications deferred: Joseph N. Freeman, John S. Gellerstedt. Applications denied: NONE
- 5.5 <u>Certified General Real Property Appraiser</u> applications approved: Timothy F. Cain (Recip.)(NC), Jim R. Clower (Recip.)(GA), James H. Burton (Recip.)(GA), Terrance L. Love (Recip.)(GA), Robert M. Moorman (Recip.)(GA), Kenneth P. Seifert (Recip.)(TX), Selassie H. Wallace (Recip.)(GA). Applications deferred: Benjamin B. Johnston. Applications denied: NONE
- Mr. Holland discussed the financial report with the Board. Mr. Holland stated we were 25% into FY 05 and 22% into budget expenditures. Mr. Holland also stated the 606 Fund is still very close to same place last year but predictably is continually going down a little at a time. Mr. Holland stated there were no negative trends that could not be reconciled at this time. On motion by Mrs. Pruit and second by Mr. Martin the Board voted to approve the Financial Report. Motion carried by unanimous vote.
- On motion by Mr. Odom and second by Mr. Stallworth the following education courses and instructor recommendations were approved, deferred, or denied as indicated:

APPRAISAL INSTITUTE - CHICAGO

Initial Application:

(CE) On-line Scope of Work: Expanding your Range of Services –
 7 Hours – Traditional Classroom
 (Instructor: Stephanie Coleman)
 Both Course and Instructor Approved

 (CE) Subdivision Valuation: A Comprehensive Guide – 7 Hours (Instructor: Don Emerson)
 Both Course and Instructor Approved

AREA, AL ASSOCIATION OF REAL ESTATE APPRAISERS

Renewal:

(LIC) Intro. to The Income Approach – 15 Hours (Instructor: Everett S. Brooks)

Both Course and Instructor Approved

Initial Application:

(CE) Understanding the Hewlett-Packard Calculator – 3.5 Hours (Instructor: Everett S. Brooks)

Both Course and Instructor Approved

APPRAISAL EDUCATORS, INC.

Initial Application:

(CE) Course 106: USPAP FAQ's-Ethics, Competency, Rules (2005) – 7 Hours (Instructor: Robert Sneed)

Both Course and Instructor Approved

REAE, REAL ESTATE APPRAISAL EDUCATION

Initial Application:

(LIC) The National USPAP Course – 15 Hours (Instructor: Dennis Greene)Both Course and Instructor Approved

(CE) The New URAR Form & USPAP – 7 Hours (Instructor: Dennis Greene)

Both Course and Instructor Approved

- (CE) The New 2055 Exterior Only Form and USPAP 7 Hours (Instructor: Dennis Greene)

 Both Course and Instructor Approved
- (CE) The National USPAP Course 7 Hours (Instructor: Dennis Greene)Both Course and Instructor Approved

SHELTON STATE COMMUNITY COLLEGE

Renewal:

(CE) National USPAP – 7 Hours (Instructor: Richard Maloy) Both Course and Instructor Approved

SHOALS SCHOOL OF BUSINESS

Renewal:

(LIC) Appraisal of Residential and Income Property – 60 Hours (Instructor: David S. McFall)Both Course and Instructor Approved

On motion by Mr. Odom and second by Mr. Stallworth the Board voted to accept courses by The International Right of Way Association. Motion carried by unanimous vote.

On motion by Mr. Davis and second by Mr. Stallworth the Board voted to approve a request from Mr. Marcus E. Bailey asking for permission to be granted 15 hours of tested continuing education credit for appraisal course Construction Methods, Materials, and Cost provided by the Alabama Association of Assessing Officers through Auburn University. Motion carried by unanimous vote.

The Board discussed at length the new AQB course curriculum implementation date and whether the Board should adopt the Segmented scenario or the Firm Date scenario. After much discussed on motion by Mr. Martin and second by Mr. Stallworth the Board voted that the Firm Date scenario would best benefit our agency. Motion carried by unanimous vote.

Mr. Tillman suggested that Mr. Odom and the Education Committee work with incoming Director, Joe Wright in implementing this scenario.

6.2 The Board reviewed the following disciplinary reports, which were

included in their books. AB-00-66: On November 19, 2004, the Board approved a settlement of the appeal of this case to the Circuit Court which provides as follows: The Board issued a public reprimand to Sarah Denise Hall (R00568), a Certified Residential for a condominium appraisal on November 14, 2002 and ordered payment of a \$1,000 administrative fine. Violations included: Respondent developed and communicated the Sales Comparison Analysis using three gulf front condominium sales that were misrepresented as interior for View in order to favorably compare with the interior, restricted water View of the Subject. Substantial (-) adjustments that should have been made for superior View were omitted and the Sales Comparison Approach value conclusion was significantly inflated as a result. Respondent failed to disclose and adjust for the inclusion of personal property (Furnishings) in Sale #1. In the Sales Comparison Analysis, a 7-month old sale of an identical unit located one floor above the Subject was excluded. This sale indicated a value of the Subject that was \$37,500 lower than the Sales Comparison Approach value conclusion. appraisal report was misleading and the final value conclusion was not supported by credible analysis of the comparable market data.

AB-02-72: On November 19, 2004 the Board issued a private reprimand to a Licensed Real Property Appraiser. Licensee is also required to pay a \$500 administrative fine and complete a 15-hour USPAP course and pass the examination. Violations are as follows: Licensee made inconsistent adjustments for differences in site sizes: a negative \$3,000 adjustment was made on Comp 1 for a 2.3 acre tract, and no adjustment was made on Comp 2 for a 6 acre tract compared to the subject's 9 acre. A negative \$15,000 adjustment was made on Comp 3 for a 16.6-acre tract. adjustment was made on Comp 4 and no site size was reported. A negative \$10,000 adjustment was made on Comp 5 for a 6-acre tract. Licensee reported that "site values and adjustments are determined through market extraction and lot sales data", but provided no supporting documentation in the work file. Licensee failed to exercise independence and impartiality in the appraisal process. Violation: Ethics Rule - Conduct, SR 1-1-(a), 1-1(b), USPAP, 2001 Ed.

AB-02-104: On November 19, 2004 the Board issued a private reprimand to a Certified Residential Real Property Appraiser. Licensee is also required to pay an \$825 administrative fine. Violations are: Licensee committed a substantial error of omission that significantly affected the appraisal and failed to properly identify the physical characteristics of the subject property. Licensee failed to include in the gross living area of the subject

property square footage converted from a two-car garage into a new kitchen and eating area. The subject property sketch reflected a two-car garage. Violation: Standards 1-1(b), 1-2(e)(i), 2-2(b)(iii), USPAP, 2001 Ed.; §34-27A-20(a)(6), (7), (8), Code of Alabama, 1975.

AB-03-94: On November 19, 2004, the Board issued a private reprimand to a Certified Residential Real Estate Appraiser. Licensee is also required to pay a \$1,050 administrative fine and complete a 15-hour USPAP course and pass the examination. The violations are Licensee failed to exercise reasonable diligence in developing the subject appraisal. In the Sales Comparison Approach, Licensee used sales from superior subdivisions that exhibited significant dissimilarities to the subject with respect to Location, Site, Condition, Quality, Design, and Amenities. comparable sales were not from competing neighborhood nor similar to the subject's rural location. There were 6 sales in much more similar location, site, and condition that were not considered by the Licensee. These alternate sales were located in rural areas. This resulted in a misleading appraisal report. Violations: §34-27A-20(a)(7) Code of Alabama, 1975 1-1(a); 1-1(b); 1-4(a); 2-1(a); 2-1(b); 2-2(b)(ix), Ethics-Conduct, USPAP, 2003 Ed.

Letters of Warning were issued on the following investigations for the discrepancies indicated. This disciplinary action will be considered in any future discipline proceedings:

<u>AB-03-25:</u> On October 4, 2004 to a Certified General Real Property Appraiser for a residential appraisal where one of the comparable sales was chosen from a non-competing neighborhood when sales in the subject's neighborhood were available for use as comparables. Violation: Standard 1-1(b), <u>USPAP</u>, 2000 Ed.

<u>AB-03-71:</u> On October 20, 2004 to a Licensed Real Property Appraisers for a residential appraisal where superior quality properties were used as comparables and adjustments for amenities were omitted. Violation: Standards 1-1(a), 1-1(b), 2-1(a), 2-1(b), <u>USPAP</u>, 2003 Ed.

AB-03-73: On October 20, 2004 to a Certified Residential Real Property Appraiser for a residential appraisal, which contained multiple reporting errors which may not have affected the analysis and opinion of value but which adversely reflected on the credibility of the report. Violation: Standards 1-1(b), 1-1(c), 2-1(a), <u>USPAP</u>, 2001 Ed.

AB-04-02: On October 18, 2004 to a Certified Residential Real Property Appraiser for a residential appraisal, which contained multiple reporting errors which may not have affected the analysis and opinion of value but which adversely reflected on the credibility of the report. Violation: §34-27A-20(a)(7) & (8), Code of Alabama, 1975, Standards 1-1(a), 1-1(b), 1-2(e), USPAP, 2003 Ed.

AB-04-30: On October 7, 2004 to a Certified Residential Real Property Appraiser for a residential appraisal where the intended use, scope, statutory certification and USPAP certification were omitted and were adjustments in the sales comparison approach were inconsistent and unsupported. Violation: §34-27A-3(b)(2), Code of Alabama, 1975 Standards 1-1(a), 1-4(a), 2-1(a), 2-1(b)(ii), 2-2(b)(vii), 2-2(b)(ix), 2-3, USPAP, 2001 Ed.

Mr. Holland discussed with the Board the investigative status charts and the possible need to reformat them since we are not meeting monthly now.

The Board took this time to again complement Mr. Robertson for his hard work during the absence of all other investigators.

6.2.1 The Board reviewed Probable Cause Report **AB-03-88**: On motion by Mr. Stallworth and second by Mr. martin the Board voted that probable cause does exist and to follow investigators recommendation to proceed with formal investigation. Motion carried by unanimous vote.

The Board reviewed Probable Cause Report **AB-04-25**: On motion by Mr. Stallworth and second by Mrs. Pruit the Board voted that probable cause does exist and to set for hearing. Motion carried by unanimous vote.

The Board reviewed Probable Cause Summary **AB-04-28**: On motion by Mr. Odom and second by Mr. Davis the Board voted that probable cause does exist and to set for hearing. Motion carried by unanimous vote.

The Board reviewed Probable Cause Summary **AB-04-29**: On motion by Mr. Davis and second by Mr. Odom the Board voted that probable cause does exist and to set for hearing. Motion carried by unanimous vote.

The Board reviewed Probable Cause Summary AB-04-33 Companion Case AB-04-34: On motion by Mr. Martin and second by Mr. Blissitte the Board voted probable cause does exist and to

follow investigators recommendation to proceed with formal investigation. Motion carried by unanimous vote.

The Board reviewed Probable Cause Summary AB-04-34 Companion Case AB-04-33: On motion by Mr. Martin and second by Mr. Blissitte the Board voted that probable cause does exist and to follow investigators recommendation to proceed with formal investigation. Motion carried by unanimous vote.

The Board reviewed Probable Cause Summary **AB-04-38**: On motion by Mr. Odom and second by Mr. Davis the Board voted that probable cause does exist and to set for hearing. Motion carried by unanimous vote.

The Board reviewed Probable Cause Summary **AB-04-39**: On motion by Mr. Martin and second by Mr. Odom the Board voted that probable cause does exist and to set for hearing. Motion carried by unanimous vote.

The Board reviewed Probable Cause Summary **AB-04-44**: On motion by Mr. Stallworth and second by Mr. Martin the Board voted that probable cause does exist and to follow investigators recommendation to proceed with formal investigation. Motion carried by unanimous vote.

The Board reviewed Probable Cause Summary **AB-04-45**: On motion by Mr. Martin and second by Mr. Stallworth the Board voted that probable cause does exist and to set for hearing. Motion carried by unanimous vote.

The Board reviewed Probable Cause Summary AB-04-46: On motion by Mr. Stallworth and second by Mr. Davis the Board voted that probable cause does exist and to follow investigators recommendation to proceed with formal investigation. Motion carried by unanimous vote.

The Board reviewed Probable Cause Summary **AB-04-52**: On motion by Mr. Davis and second by Mrs. Pruit the Board voted that probable cause does exist and to follow investigators recommendation to proceed with formal investigation. Motion carried by unanimous vote.

The Board reviewed Probable Cause Summary AB-04-66 & Companion Case AB-04-67: On motion by Mrs. Pruit and second by Mr. Martin the Board voted that probable cause does exist. Motion carried by unanimous vote. On motion by Mr. Martin and

second by Mr. Stallworth the Board voted to follow investigators recommendation and issue a Letter of Warning. Motion carried by unanimous vote.

The Board reviewed Probable Cause Summary AB-04-67 & Companion Case AB-04-66: On motion by Mrs. Pruit and second by Mr. Martin the Board voted that probable cause does exist. Motion carried by unanimous vote. On motion by Mr. Martin and second by Mr. Stallworth the Board voted to follow investigators recommendation and issue a Letter of Warning. Motion carried by unanimous vote.

The Board reviewed Probable Cause Summary **AB-04-68**: On motion by Mr. Odom and second by Mr. Blissitte the Board voted that probable cause does exist and to set for hearing. Motion carried by unanimous vote.

The Board reviewed Probable Cause Summary AB-04-73 & Companion Case AB-04-74: On motion by Mr. Martin and second by Mr. Blissitte the Board voted that probable cause did not exist and to follow investigators recommendation to dismiss. Motion carried by unanimous vote.

The Board reviewed Probable Cause Summary AB-04-74 & Companion Case AB-04-73: On motion by Mr. Martin and second by Mr. Blissitte the Board voted that probable cause does not exist and to follow investigators recommendation to dismiss. Motion carried by unanimous vote.

The Board reviewed Probable Cause Summary AB-04-75: On motion by Mr. Odom and second by Mr. Davis the Board voted that probable cause does exist. Motion carried by unanimous vote. On motion by Mr. Odom and second by Mr. Davis the Board voted to follow investigators recommendation to issue a Letter of Warning. Motion carried by unanimous vote.

The Board reviewed Probable Cause Summary AB-04-79 & Companion Case AB-04-80: On motion by Mr. Stallworth and second by Mr. Odom the Board voted that probable cause does exist and to follow investigators recommendation to proceed with formal investigation. Motion carried by unanimous vote.

The Board reviewed Probable Cause Summary AB-04-80 & Companion Case AB-04-79: On motion by Mr. Stallworth and second by Mr. Odom the Board voted that probable cause does

exist and to follow investigators recommendation to proceed with formal investigation. Motion carried by unanimous vote.

The Board reviewed Probable Cause Summary **AB-04-84**: On motion by Mr. Odom and second by Mr. Blissitte the Board voted that probable cause does not exist and to follow investigators recommendation to dismiss. Motion carried by unanimous vote.

The Board reviewed Request for a Board Initiated Complaint and Probable Cause Summary **AB-04-89 & Companion Case AB-04-90**: On motion by Mr. Blissitte and second by Mrs. Pruit the Board voted to open a Board Initiated Complaint. Motion carried by unanimous vote. On motion by Mr. Blissitte and second by Mrs. Pruit the Board voted that probable cause does exist and to follow investigators recommendation to proceed with formal investigation.

The Board reviewed Request for a Board Initiated Complaint and Probable Cause Summary AB-04-90 & Companion Case AB-04-89: On motion by Mr. Blissitte and second by Mrs. Pruit the Board voted to open a Board Initiated Complaint. Motion carried by unanimous vote. On motion by Mr. Blissitte and second by Mrs. Pruit the Board voted that probable cause does exist and to follow investigators recommendation to proceed with formal investigation.

At this time Ms. Conway informed the Board that Assistant Attorney General Ellen Leonard would like to report on the investigation by the Attorney Generals Office on **Case AB-04-85**. Ms. Leonard reported that the investigation by the Attorney Generals office found no violation and recommended dismissal. On motion by Mr. Davis and second by Mr. Odom the Board voted to follow the Attorney Generals recommendation and dismiss. Motion carried by unanimous vote.

- 6.2.2 No anonymous complaints to report at this meeting.
- The Board reviewed Consent Settlement Orders AB-03-16, AB-03-23, AB-04-58, AB-04-87, AB-04-88. On motion by Mr. Martin and second by Mr. Blissitte the Board voted to accept these Consent Settlement Orders as presented. Motion carried by unanimous vote. The Board reviewed Consent Settlement Orders AB-01-17, AB-01-49, AB-04-45. On motion by Mrs. Pruit and second by Mr. Stallworth the Board voted to accept these Consent Settlement Orders as presented. Motion carried by unanimous vote. The Board reviewed Consent Settlement Order AB-03-72. On motion by Mrs. Pruit and second by Mr. Davis this Board voted to accept

this Consent Settlement Order as presented. Motion carried by unanimous vote.

- 6.3 No reciprocal agreements to report since last meeting.
- The following reciprocal licenses were issued since last meeting. Stephen J. Achee (R)(CO), Jerry L. Bell (L)(GA), Charles G. Blackwell (L)(GA), James H. Burton (G)(GA), Timothy F. Cain (G)(NC), Jim R. Clower (G)(GA), Terrance L. Love (G)(GA), Brien R. McWilliams (L)(MS), Robert M. Moorman (G)(GA), Renee D. Salter (R)(GA), Kenneth P. Seifert (G)(TX), Wayne P. Turner (T)(GA), Selassie H. Wallace (G)(GA).
- 7.0 The temporary permit report was provided to the Board for their information.

Reconsideration Hearings

Stephen A. Lovoy (T applying for R) – 10:00 a.m.

On motion by Mr. Odom and second by Mr. Blissitte the Board voted to approve Mr. Lovoy to sit for the Certified Residential Real Property Appraisers test. Motion carried by unanimous vote.

Charles W. Griffin (T applying for L) – 10:20 a.m.

On motion by Mr. Davis and second by Mr. Odom the Board voted to approve Mr. Griffin to sit for the Licensed Real Property Appraisers test. Motion carried by unanimous vote.

At 10:30 a.m. on motion by Mr. Martin and second by Mrs. Pruit the Board voted to enter Executive Session to discuss the good name and character of an individual. Motion carried by unanimous vote.

At 10:40 a.m. the Board re-entered Regular Session.

Mr. Holland informed the Board that Mr. D.J. Dixon was now in place as the new investigator. Mr. Holland also announced that Mrs. Carolyn Greene would be starting on February 14, 2005 to fill the ASA II vacancy in the investigative section.

Mr. Holland included in the Board books information regarding the AARO Conference starting April 9, 2005 in St. Louis. Mr. Holland asked the Board members to let our office know next week if they would be interested in attending this conference.

Mr. Holland included a copy of the Appraisal Subcommittee review report for their information.

Mr. Holland asked Mr. Tillman and Mr. Martin to discuss and then let our office know the date that would be most convenient for them to have our next Trainee Orientation, which would be held in Birmingham. Mr. Tillman and Mr. Martin will discuss and contact our office with two possible dates.

Mr. Holland informed the Board the Board Member business cards have been ordered but we have not yet been sent a draft.

Mr. Holland included in the Board books a copy of the Winter 2005 newsletter.

Mr. Davis gave all Board members a copy of draft changes to the Trainee/Supervisor Policy. He asked that all members review these changes, make additional comments or changes to the draft and be ready to discuss at the March 18, 2005 meeting.

Mr. Holland included in the Board books a copy of his official letter of resignation to be effective March 1, 2005. At this time Mr. Martin presented Mr. Holland with a Proclamation of Appreciation from the Governor and a gift from the Board members. On behalf of the Board Mr. Martin thanked Mr. Holland for all of his accomplishments while serving as Executive Director. Mr. Holland thanked the Board and gave a brief speech reflecting on his tenure and expressed best wishes for the future of the Board.

APPROVED	: Mandell Tillman. Chairman
Lb	
	Lisa Brooks Executive Assistant
	Sincerely,
9.0	Meeting adjourned at 11:10 a.m.
	and expressed best wishes for the future of the Board.